

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD DALE STAMPKA,

Defendant.

CR 17-16-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Richard Dale Stampka (Stampka) has been accused of violating the conditions of his supervised release. Stampka admitted alleged violation 2. Stampka did not admit or deny alleged violation 1. The Court dismissed alleged violation 1 on the government's motion. Stampka's supervised release should be revoked. Stampka should be placed in custody for 3 months, with no supervised release to follow.

II. Status

Stampka pleaded guilty to Conspiracy to Possess with Intent to Distribute Methamphetamine on May 8, 2017. (Doc. 83). The Court sentenced Stampka to a term of custody of 12 months and 1 day, followed by 3 years of supervised release. (Doc. 164). Stampka's current term of supervised release began on

January 18, 2018. (Doc. 250 at 1).

Petition

The United States Probation Office filed a Petition on January 4, 2021, requesting that the Court revoke Stampka's supervised release. (Doc. 250). The Petition alleged that Stampka had violated the conditions of his supervised release: 1) by committing another crime; and 2) by using methamphetamine.

Initial appearance

Stampka appeared before the undersigned for his initial appearance on January 12, 2021. Stampka was represented by counsel. Stampka stated that he had read the petition and that he understood the allegations. Stampka waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on January 12, 2021. Stampka admitted that he had violated the conditions of his supervised release by using methamphetamine. Stampka did not admit or deny alleged violation 1. The Court dismissed alleged violation 1 on the government's motion. The violation that Stampka admitted is serious and warrants revocation of Stampka's supervised release.

Stampka's violation is a Grade C violation. Stampka's criminal history category is III. Stampka's underlying offense is a Class C felony. Stampka could be incarcerated for up to 24 months. Stampka could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 5 to 11 months.

III. Analysis

Stampka's supervised release should be revoked. Stampka should be incarcerated for 3 months, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Stampka that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Stampka of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Stampka that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Stampka stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Richard Dale Stampka violated the conditions of his supervised release by using methamphetamine.

The Court **RECOMMENDS:**

That the District Court revoke Stampka's supervised release and commit Stampka to the custody of the United States Bureau of Prisons for 3 months, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 13th day of January, 2021.


John Johnston
United States Magistrate Judge